IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 28864 of 2007(J)

PETITIONER:

K.V.JOSHY,AGED 56,S/O. VELAYUDHAN,
PAPPALLY HOUSE, VAZHAKKALA ,KAKKANADU P.O.,
KOCHI.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY

RESPONDENTS:

---

1. THE DISTRICT COLLLECTOR,
ERNAKULAM.

2. THE DISTRICT OFFICER,
GROUND WATER DEPARTMENT,
ERNAKULAM.

3. THE SECRETARY (SPECIAL GRADE)
THRIKKAKARA GRAMA PANCHAYAT.

R1 & R2 BY GOVT.PLEADER SMT. ANU SIVARAMAN.
R3 BY ADV. SRI.S.SHANAVAS KHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

- -

WP.(C) No. 28864 of 2007

- -

Dated this the 8th day of October, 2007

JUDGMENT

Petitioner has approached this court challenging Ext.P7 and seeks a direction not to harass him. The short case of the petitioner is as follows:

Petitioner is taking water from a well after getting licence from Panchayat and from the statutory authority (Exts.P2 and P3). The water from the aforesaid well is used for the purpose of supplying the same in the same condition as drinking water. The entire Ernakulam city is dependent on this sort of water. In Thrikkakara Grama Panchayat there are seven members. Petitioner relies on Ext.P4 judgment of this court in support of his case. By Ext.P7 the taking of water from the well is stopped until further orders. It is stated to be on an oral direction from the Collector.

2. I heard learned counsel for the parties.

As Ext.P7 is a stop memo, I feel that the second respondent should hear the petitioner. Learned counsel for the petitioner submits

that the petitioner is amenable to the imposition of any reasonable conditions. In view of the urgency of the matter and to facilitate an early decision, the petitioner may appear before the 2nd respondent at 11 a.m., on 10.10.2007. The second respondent shall proceed to hear him and consider lifting of the stop memo. If there is any written complaint by any named person, the second respondent will afford an opportunity of hearing them also. The second respondent will consider the allowing of the petitioner to pump water, even before the issuance of any notice to any other person, who may have to be heard finally, subject to any reasonable conditions that may be imposed.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

sb